

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY**

DALLAS RAY PRATER, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 5:18-CV-01174

**R. ALEXANDER ACOSTA,
SECRETARY OF LABOR, UNITED
STATES DEPARTMENT OF LABOR,**

Defendant.

PLAINTIFF'S MOTION TO ALLOW DISCLOSURE OF EXPERT WITNESS

COMES NOW the Plaintiff by counsel, and moves the court to allow Plaintiff to disclose an expert witness outside of the most recent time frame order and shows to the court as follows:

1. We have identified a person knowledgeable in mine safety note taking as well as in the GS PayScale system to testify in the above styled matter.
2. I was retained as counsel after substantial development of this case and noticed my appearance within four months after I was barred.
3. Upon reflection, this person could well be considered an expert in the subject areas set forth above and the Plaintiff now believes that the testimony will not only be as a lay witness, but also as an expert in these issues.
4. The Defendant has been granted leave of court to file a motion for summary judgement well outside the court's timeframe order and has done so.
5. This witness will be made available for deposition in a timely fashion.

WHEREFORE, Plaintiff respectfully moves that he be allowed to name said individual as an expert witness to testify in the matter in the subject area, and in related issues as herein before set forth.

DALLAS RAY PRATER, JR.,

By Counsel

/s/ Aubrey Sparks

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SERVICE OF CERTIFICATE

I, Aubrey Sparks, counsel for Plaintiff, do hereby certify that on the 10th day of December, 2019, I electronically filed this *Certificate of Service* for ***PLAINTIFFS' MOTION TO ALLOW DISCLOSURE OF EXPERT WITNESS*** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Matthew C. Lindsay
U. S. Attorney's Office
P. O. Box 1713
Charleston, WV 25326-1713

and by placing a true and exact copy of the same in an envelope, properly addressed with postage fully paid and depositing the same in the U.S. Mail on this date, to the addresses listed above.

/s/Aubrey Sparks
Aubrey Sparks, Esq. (WV Bar ID: 13469)